

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY SOLOMON,

Plaintiff,

vs.

BANK OF AMERICA HOME LOANS, *et al.*,

Defendants.

Case No. 2:10-cv-00841-PMP-PAL

ORDER

(Mot. Stay Pending Mot's Dismiss - Dkt. #33)

Before the court is a Motion to Stay Litigation and Discovery (Dkt. #33) filed by Defendant EMC Mortgage Corporation ("EMC"). Defendants Aurora Loan Services, Bank of America Home Loans, Countrywide Bank, N.A., Countrywide Financial Corp., and Countrywide Home Loans, Inc. filed a Joinder (Dkt. #38) thereto on August 2, 2010. No response has been filed, and the time for filing a response has run. The motion asks that the court stay discovery and other proceedings pending the court's decision on four Motions to Dismiss filed by the various Defendants. Defendant claims that Plaintiff's complaint is non meritorious and asserts various claims which essentially seek to forestall foreclosure proceedings. Under these circumstance, EMC submits the court should exercise its inherent authority to preserve the parties' expenses and resources while a decision of pending dispositive motions is made. Local Rule 7-2(d) provides that [t]he failure of an opposing party to file points and authorities in opposition to any motion shall constitute a consent to the granting of the motion."


Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED that:

1. Defendant EMC Mortgage Corporation's Motion to Stay Pending Disposition of Motions to Dismiss (Dkt. #33) is **GRANTED**.

2. The parties shall meet and confer and submit a proposed Discovery Plan and Scheduling Order within fifteen day of the decision of the pending dispositive motions as to any claims which survive.

Dated this 19th day of August, 2010.


Peggy A. Leen
United States Magistrate Judge